

DETAILED ACTION

This Office Action is in response to Request for Continuation Examination (RCE) filed June 23, 2010. Claims 1-27 are presented for further examination.

Claim Rejections - 35 USC § 101

1. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

2. Claim 2 is rejected under 35 USC 101 as being non-statutory. Generally, program modules include routines, programs, components, data structures, logic, etc. that perform particular tasks and/or implement particular abstract data types can be interpreted as hardware, software or a combination thereof. The claim is software per se based on the disclosure since such claims lacking "hardware".

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 2, 6-7, 10, 18 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
3. Claim 2 recites the limitations "the transmission parameters", "the indication of transport parameters", "the destination", "the content table", "destination of the content"

in lines 8, 9, 11, 12, 18 respectively. There is insufficient antecedent basis for this limitation in the claim.

4. Claims 6, 18 recite the limitation "the indication of transport parameters" in lines 2-3. There is insufficient antecedent basis for this limitation in the claim.

5. Claim 7 recites the limitation "the return path" in line 2. There is insufficient antecedent basis for this limitation in the claim.

6. Claim 10 recites the limitation "the transportation parameters" in line 2. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Van Der Schaar (hereinafter "Van", US Patent Publication 2003/0135863 A1) in view of Feuerstraeter et al. (hereinafter "Feu", US Patent Publication 2003/0123393 A1) and further view of Heller et al. (hereinafter "Heller", US Patent Publication 2005/0163073 A1).

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As per claim 1, Van discloses a method of offering preferred transport in a network, the method comprising:

receiving a first part of a content transmission from a content provider in the network at a transmission device that transmits the content between the content provider and a destination of the content (paragraphs [0025, 0040, 0048, 0074]);

receiving an indication of transport parameters in the network at the transmission device (paragraphs [0027, 0032]);

receiving a second part of the content transmission in the network from the content provider (paragraphs [0040, 0046]);

the transmitting device transmitting the second part of the content transmission in the network in accordance with the transport parameters to the destination (paragraphs [0068, 0070]).

Van does not explicitly disclose:

receiving an indication of predetermined transport parameters in the network, the indication being contained in the received first part of the content transmission

However, in analogous art, Feu teaches identifying a received capability associated with one or more priority levels of Ethernet traffic for a network device. The subset of content is sent to a destination device. A control message is received having class of service, type of service, quality of service indication denoting a priority level. Once this message is received, the content forwarding is resumed according to the priority level of the control message (paragraphs [0018, 0030-0031, 0035, 0038-0039]).

Therefore, one of ordinary skill in the art at the time the invention was made would have found it obvious to implement or incorporate Feu's predetermined transport parameters and indication associated with the received first part of the content transmission in Van's method enabling communication for a given priority level.

Van, in view of Feu, does not explicitly disclose:

Setting up entries in a switching table identifying the content transmission based on the content provider and the destination, the entries in the switching table specifying the predetermined transport parameters;

Accessing the switching table to determine the predetermined transport parameters for the content transmission.

However, in an analogous art, Heller teaches identifying and applying session services to a wireless link including identifying a packet flow corresponding to a received message by employing a flow identifier and filter. A flow table identifies the packet flow by flow ID. A transmission profile table has transmission parameters which describe each packet flow (paragraphs [0027-0030], Abstract).

Therefore, one of ordinary skill in the art at the time the invention was made would have found it obvious to implement or incorporate Heller's switching table in Van's method in order to apply a session service to a particular message packet by identifying the flow through either the flow ID or profile entry, and mapping the profile entry to the corresponding session service entries.

As per claim 2, Van discloses a transmission device comprising:

a data receiver configured to receive a first part of a content transmission and an indication of transport parameters associated with the content of the content transmission network from a content provider (paragraphs [0027, 0032]);

a service logic for grouping the first part of the content transmission and subsequent parts of the content transmission as a communications flow (paragraphs [0025, 0040]);

a transmission logic for determining the transmission parameters of the content according to the indication of transport parameters (paragraphs [0068, 0070]);

a switching apparatus for transporting the first part and subsequent parts of the content transmission in the network to a communications port of a destination of the content according to the communications flow determined by the service logic (paragraphs [0046, 0070]);

a data transmitter configured to transmit the subsequent parts of the content transmission in the network to the destination in conjunction with the communications port in accordance with the transmission parameters determined by the transmission logic (paragraphs [0068, 0070]).

Van does not explicitly disclose:

receiving an indication of predetermined transport parameters in the network, the indication being contained in the received first part of the content transmission

However, in analogous art, Feu teaches identifying a received capability associated with one or more priority levels of Ethernet traffic for a network device. The subset of content is sent to a destination device. A control message is received having class of

service, type of service, quality of service indication denoting a priority level. Once this message is received, the content forwarding is resumed according to the priority level of the control message (paragraphs [0018, 0030-0031, 0035, 0038-0039]).

Therefore, one of ordinary skill in the art at the time the invention was made would have found it obvious to implement or incorporate Feu's predetermined transport parameters and indication associated with the received first part of the content transmission in Van's method enabling communication for a given priority level.

Van, in view of Feu, does not explicitly disclose:

A transport creation block for creating entries in a switching table identifying the content transmission based on the content provider and the destination, the entries in the content table specifying the predetermined transport parameters;

A maintenance component for managing and deleting entries in the switching table that are no longer needed.

However, in an analogous art, Heller teaches identifying and applying session services to a wireless link including identifying a packet flow corresponding to a received message by employing a flow identifier and filter. A flow table identifies the packet flow by flow ID. A transmission profile table has transmission parameters which describe each packet flow (paragraphs [0027-0030], Abstract).

Therefore, one of ordinary skill in the art at the time the invention was made would have found it obvious to implement or incorporate Heller's switching table in Van's method in order to apply a session service to a particular message packet by

identifying the flow through either the flow ID or profile entry, and mapping the profile entry to the corresponding session service entries.

As per claim 3, Van discloses the method according to claim 1, wherein the first part of the content transmission is a command for a particular content transmission (paragraph [0025]).

As per claim 4, Van discloses the method according to claim 3, wherein the command is a request command for a particular content transmission (paragraph [0019]).

As per claim 5, Van discloses the method according to claim 4, wherein the command is an HTTP GET request command (paragraph [0019]).

As per claim 6, Van does not explicitly disclose the method according to claim 5, wherein the command includes the indication of transport parameters, and wherein the indication of transport parameters includes a content tag.

However, in an analogous art, Feu teaches content received from a source at the host is tagged with priority level. The priority level gives details of flow of the content (paragraphs [0030-0031, claim 20]).

Therefore, one of ordinary skill in the art at the time the invention was made would have found it obvious to implement or incorporate Feu's content tag in Van's method in order to determine the priority level of the content.

As per claim 7, Van discloses the method according to claim 5, wherein the command includes information that is utilized in the return path for the content transmission (paragraph [0038]).

As per claim 8, Van does not explicitly disclose the method according to claim 5, further comprising:

receiving a response to the command, wherein the response includes a content tag.

However, in an analogous art, Feu teaches content received from a source at the host is tagged with priority level. The priority level gives details of flow of the content (paragraphs [0030-0031, claim 20]).

Therefore, one of ordinary skill in the art at the time the invention was made would have found it obvious to implement or incorporate Feu's content tag in Van's method in order to determine the priority level of the content.

As per claim 9, Van discloses the method according to claim 1, further comprising:
authenticating a distribution allowed for the content transmission, and
the transmission device authorizing only the allowed distribution of the content
transmission (paragraph [0025]).

As per claim 10, Van discloses the method according to claim 1, wherein the
transportation parameters include a preferred level of transport (paragraph [0028]).

As per claim 11, Van discloses the method according to claim 10, wherein the transport
parameters include at least one selected from a group consisting of a predetermined
amount of bandwidth, a predetermined quality of service, a predetermined transmission
attribute, a predetermined amount of packet loss, and a predetermined amount of jitter
(paragraph [0035]).

As per claim 12, Van discloses the method according to claim 1, further comprising:
decrypting the indication of transport parameters (paragraph [0040]).

As per claim 13, Van discloses the method according to claim 1, wherein receiving a
first part of the content transmission in the network includes receiving the first part of the

content transmission in a node of the network along a transmission path of the content transmission (paragraph [0038]).

As per claim 14, Van discloses the method according to claim 1, wherein the content transmission includes application data (paragraph [0019]).

As per claim 15, Van discloses the transmission device according to claim 2, wherein the first part of the content transmission is a command for a particular content transmission (paragraph [0020]).

As per claim 16, Van discloses the transmission device according to claim 15, wherein the command is a request command for a particular content transmission (paragraph [0019]).

As per claim 17, Van discloses the transmission device according to claim 16, wherein the command is an HTTP GET request command (paragraph [0018]).

As per claim 18, Van does not explicitly disclose the transmission device according to claim 17, wherein the command includes the indication of transport parameters, and wherein the indication of transport parameters includes a content tag.

However, in an analogous art, Feu teaches content received from a source at the host is tagged with priority level. The priority level give details of flow of the content (paragraphs [0030-0031, claim 20]).

Therefore, one of ordinary skill in the art at the time the invention was made would have found it obvious to implement or incorporate Feu's content tag in Van's method in order to determine the priority level of the content.

As per claim 19, Van discloses the transmission device according to claim 17, wherein the command identifies a return path for the content transmission (paragraph [0060]).

As per claim 20, Van does not explicitly discloses the transmission device according to claim 17, wherein the data receiver is further configured to receive a response to the command, wherein the response includes a content tag.

However, in an analogous art, Feu teaches content received from a source at the host is tagged with priority level. The priority level give details of flow of the content (paragraphs [0030-0031, claim 20]).

Therefore, one of ordinary skill in the art at the time the invention was made would have found it obvious to implement or incorporate Feu's content tag in Van's method in order to determine the priority level of the content.

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As per claim 21, Van discloses the transmission device according to claim 2, wherein the transport parameters include a preferred level of transport (paragraph [0028])

As per claim 22, Van discloses the transmission device according to claim 21, wherein the transport parameters include at least one selected from a group consisting of a predetermined amount of bandwidth, a predetermined quality of service, a predetermined transmission attribute, a predetermined amount of packet loss, and a predetermined amount of jitter (paragraph [0035]).

As per claim 23, Van discloses the transmission device according to claim 2, further comprising:

a decryption element configured to decrypt the indication of transport (paragraph [0040]).

As per claim 24, Van discloses the transmission device according to claim 2, further comprising:

an authentication element configured to authenticate a distribution allowed for the content transmission (paragraph [0038]);

an authorization element configured to authorize only allowed distribution of the content transmission (paragraph [0045]).

As per claim 25, Van discloses a method of offering preferred transport in a peer-to-peer network, the method comprising:

receiving a first part of a content file transmission in the peer-to-peer network from a content provider at a transmission device that transmits the content between the content provider and a destination of the content (paragraph [0038, 0048, 0074]);

receiving an indication of transport parameters in the peer-to-peer network, the indication being associated with the content of the content file transmission at a transmission device that transmits the content between the content provider and a destination of the content (paragraph [0035]);

receiving a second part of the content file transmission in the peer-to-peer network at the transmission device (paragraph [0040]); and

the transmission device transmitting the second part of the content file transmission in the peer-to-peer network in accordance with the transport parameters (paragraph [0048]).

Van does not explicitly disclose:

receiving an indication of predetermined transport parameters in the network, the indication being contained in the received first part of the content transmission

However, in analogous art, Feu teaches identifying a received capability associated with one or more priority levels of Ethernet traffic for a network device. The subset of content is sent to a destination device. A control message is received having class of service, type of service, quality of service indication denoting a priority level. Once this

message is received, the content forwarding is resumed according to the priority level of the control message (paragraphs [0018, 0030-0031, 0035, 0038-0039].

Therefore, one of ordinary skill in the art at the time the invention was made would have found it obvious to implement or incorporate Feu's predetermined transport parameters and indication associated with the received first part of the content transmission in Van's method enabling communication for a given priority level.

Van, in view of Feu, does not explicitly disclose:

Setting up entries in a switching table identifying the content transmission based on the content provider and the destination, the entries in the switching table specifying the predetermined transport parameters;

Accessing the switching table to determine the predetermined transport parameters for the content transmission.

However, in an analogous art, Heller teaches identifying and applying session services to a wireless link including identifying a packet flow corresponding to a received message by employing a flow identifier and filter. A flow table identifies the packet flow by flow ID. A transmission profile table has transmission parameters which describe each packet flow (paragraphs [0027-0030], Abstract).

Therefore, one of ordinary skill in the art at the time the invention was made would have found it obvious to implement or incorporate Heller's switching table in Van's method in order to apply a session service to a particular message packet by identifying the flow through either the flow ID or profile entry, and mapping the profile entry to the corresponding session service entries.

As per claim 26, Van does not explicitly disclose the method of claim 1, wherein the indication of predetermined transport parameters is contained in a content payload header of the content transmission.

However, Feu teaches the priority level embedded within the administrative section (header/footer) of the content (paragraph [0030]).

Therefore, one of ordinary skill in the art at the time the invention was made would have found it obvious to implement or incorporate Feu's indication of transport parameters contained in a content payload header in Van's method enabling communication for a given priority level.

As per claim 27, Van does not explicitly disclose the transmission device of claim 2, wherein the indication of predetermined transport parameters is contained in a content payload header of the content transmission.

However, Feu teaches the priority level embedded within the administrative section (header/footer) of the content (paragraph [0030]).

Therefore, one of ordinary skill in the art at the time the invention was made would have found it obvious to implement or incorporate Feu's indication of transport parameters contained in a content payload header in Van's method enabling communication for a given priority level.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to BARBARA N. BURGESS whose telephone number is (571)272-3996. The examiner can normally be reached on M-F (8:00am-4:00pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on (571) 272-4001. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Barbara N Burgess/
Examiner, Art Unit 2457

July 15, 2010

/Barbara N Burgess/
Examiner, Art Unit 2457

Barbara N Burgess
Examiner
Art Unit 2457